

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

---

RAYMOND TARLTON, as guardian ad litem )  
for HENRY LEE MCCOLLUM, and J. )  
DUANE GILLIAM, as guardian of the estate of )  
LEON BROWN, *et al.*, )  
Plaintiffs, )  
v. )  
KENNETH SEALEY, both individually and in )  
his official capacity as the Sheriff of Robeson )  
County, *et al.*, )  
Defendants. )  
)

Case No. 5:15-CV-451-BO

---

**PLAINTIFFS' AMENDED APPLICATION FOR WRIT OF EXECUTION**

Pursuant to Federal Rule of Civil Procedure 69(a)(1), Plaintiffs Henry McCollum and Leon Brown hereby request execution on the Judgment entered by the Court in this matter on May 14, 2021, *see* Dkt. No. 429, which was amended on October 22, 2021, *see* Dkt. No. 454, and on April 20, 2023, *see* Dkt. No. 483. Plaintiffs submit this Amended Application to clarify the Application for Writ of Execution filed on May 9, 2023, Dkt. No. 484. Plaintiffs specifically request that the Court issue the following two writs of execution requiring Defendants to satisfy the Second Amended Judgment, Dkt. No. 483, issued by this Court:

- (1) A writ of execution requiring Defendant Leroy Allen to pay \$28.25 million in compensatory and punitive damages awarded to Plaintiff McCollum; post-judgment

interest,<sup>1</sup> calculated at a rate of 4.68%, *see* 28 U.S.C. § 1961; and \$6,462,150.48 in attorney’s fees and costs, as awarded by this Court and affirmed by the United States Court of Appeals for the Fourth Circuit, *see* Dkt. Nos. 457, 476.

(2) A writ of execution requiring Defendant Charlotte Noel Fox, as Administrator of the Estate of Kenneth Snead, to pay \$60.5 million total in compensatory and punitive damages (\$30.25 million in compensatory and punitive damages to Plaintiff McCollum and \$30.25 million in compensatory and punitive damages to Plaintiff Brown); post-judgment interest,<sup>2</sup> calculated at a rate of 4.68%, *see* 28 U.S.C. § 1961; and \$6,462,150.48 in attorney’s fees and costs, *see* Dkt. Nos. 457, 476.

As previously noted, Plaintiffs have satisfied all statutory prerequisites for executing judgment. On March 2, 2022, Defendant Leroy Allen was served with a notice of right to have exemptions designated, as required by N.C. Art. 16, § 1C-1603. *See* Dkt. No. 469. On March 21, 2022, Defendant Allen filed a Notice to Claim Exempt Property, where he claimed certain exemptions within the limitations permitted by N.C. Art. 16, § 1C-1603. *See* Dkt. No. 471-1. Plaintiffs do not object to these exemptions subject to the statutory limits. *See* N.C. Art. 16, § 1C-1603. On March 3, 2022, Defendant Charlotte Noel Fox, as administrator of the Estate of Kenneth Snead, was served with a notice of right to have exemptions designated. Dkt. No. 470. On March 21, 2022, Defendant Fox filed a letter acknowledging that she is the Administrator of Kenneth Snead’s estate, and stating that the “rights [Plaintiffs] ha[ve] to Estate assets will be determined by N.C.G.S. § 28-A-19-6.” Dkt. No. 472. Defendant Fox did not file a notice to claim exempt property; thus, Defendant Fox has waived her right to claim exemptions. *See* N.C. Art. 16, § 1C-

---

<sup>1</sup> As of the date of this filing (May 15, 2023), the total accrued interest on the compensatory and punitive damages owed by Defendant Allen is \$90,554.79, and it continues to accrue.

<sup>2</sup> As of the date of this filing (May 15, 2023), the total accrued interest on the compensatory and punitive damages owed by Defendant Fox is \$193,931.51, and it continues to accrue.

1603. With these preliminaries satisfied, Plaintiffs now request execution on the Second Amended Judgment this Court entered on April 20, 2023. *See id.* (absent judgment creditor objections to the debtor's claimed exemptions and “[u]pon request of the judgment creditor, the clerk must issue an execution or writ of possession except for exempt property”).

Dated this 15th day of May, 2023.

Respectfully Submitted,

/s/ E. Desmond Hogan

E. Desmond Hogan (*special admission*)  
Catherine E. Stetson (*special admission*)  
W. David Maxwell (*special admission*)  
HOGAN LOVELLS US LLP  
555 Thirteenth Street, NW  
Washington, DC 20004  
Telephone: (202) 637-5493  
Facsimile: (202) 637-5190  
E-Mail: desmond.hogan@hoganlovells.com  
E-Mail: cate.stetson@hoganlovells.com  
E-Mail: david.maxwell@hoganlovells.com

Elizabeth C. Lockwood (*special admission*)

ALI & LOCKWOOD LLP  
300 New Jersey Ave, N.W., Suite 900  
Washington, D.C. 20001  
Telephone: (202) 651-2475  
E-Mail: liz.lockwood@alilockwood.com  
*Counsel for Plaintiffs*

/s/ Elliot S. Abrams

Elliot S. Abrams  
N.C. State Bar # 42639  
CHESHIRE PARKER SCHNEIDER, PLLC  
133 Fayetteville Street, Suite 200  
Post Office Box 1029  
Raleigh, NC 27602  
Telephone: (919) 833-3114  
Facsimile: (919) 832-0739  
E-Mail: Elliot.abrams@cheshirepark.com  
*Local Rule 83.1(d) Counsel for Plaintiffs*

## **CERTIFICATE OF SERVICE**

I hereby certify that on May 15, 2023, I filed this Application for Writ of Execution with the Clerk of Court using the CF/ECF system, which will electronically serve this motion on both Plaintiffs' and Defendants' attorneys as follows:

Raymond C. Tarlton, Esq.  
TARLTON POLK, PLLC  
3509 Haworth Drive, Suite 297 (27609)  
PO Box 1386  
Raleigh, NC 27602  
E-mail: [rtarlton@tarltonpolk.com](mailto:rtarlton@tarltonpolk.com)  
*Guardian Ad Litem for Henry Lee McCollum*

Brian D. Rabinovitz  
Matthew W. Sawchak  
NORTH CAROLINA DEPARTMENT OF  
JUSTICE  
114 West Edenton Street,  
9001 Mail Service Center  
PO Box 629  
Raleigh, NC 27602-0629  
E-mail: [brabinovitz@ncdoj.gov](mailto:brabinovitz@ncdoj.gov)  
*Counsel for Defendant Kenneth Snead, Leroy  
Allen*

Bradley Owen Wood, Esq.  
James R. Morgan., Jr., Esq.  
Sonny S. Haynes, Esq.  
WOMBLE BOND DICKINSON US LLP  
One West Fourth Street  
Winston Salem, NC 27101  
E-mail: [Brad.Wood@wbd-us.com](mailto:Brad.Wood@wbd-us.com)  
E-mail: [Jim.Morgan@wbd-us.com](mailto:Jim.Morgan@wbd-us.com)  
E-mail: [Sonny.Haynes@wbd-us.com](mailto:Sonny.Haynes@wbd-us.com)  
*Counsel for Defendants Kenneth Sealey and  
Robert E. Price, Administrator C.T.A. of the  
Estate of Joel Garth Locklear, Sr.*

/s/ E. Desmond Hogan

E. Desmond Hogan (*special admission*)  
Catherine E. Stetson (*special admission*)  
W. David Maxwell (*special admission*)  
HOGAN LOVELLS US LLP  
555 Thirteenth Street, NW  
Washington, DC 20004  
Telephone: (202) 637-5493  
Facsimile: (202) 637-5190  
E-Mail: [desmond.hogan@hoganlovells.com](mailto:desmond.hogan@hoganlovells.com)  
E-Mail: [cate.stetson@hoganlovells.com](mailto:cate.stetson@hoganlovells.com)  
E-Mail: [david.maxwell@hoganlovells.com](mailto:david.maxwell@hoganlovells.com)

Elizabeth C. Lockwood (*special admission*)  
ALI & LOCKWOOD LLP  
300 New Jersey Ave, N.W., Suite 900  
Washington, D.C. 20001  
Telephone: (202) 651-2475  
E-Mail: liz.lockwood@alilockwood.com  
*Counsel for Plaintiffs*

/s/ Elliot S. Abrams

Elliot S. Abrams  
N.C. State Bar # 42639  
CHESHIRE PARKER SCHNEIDER, PLLC  
133 Fayetteville Street, Suite 200  
Post Office Box 1029  
Raleigh, NC 27602  
Telephone: (919) 833-3114  
Facsimile: (919) 832-0739  
E-Mail: Elliot.abrams@cheshirepark.com  
*Local Rule 83.1(d) Counsel for Plaintiffs*